
UNITED STATES DISTRICT COURT
District of Minnesota

Taqueria El Primo LLC, Victor Manuel Delgado
Jimenez, Michelle Chavez Solis, Benjamin
Tarnowski, El Chinelo Produce, Inc., Virginia
Sanchez-Gomez

JUDGMENT IN A CIVIL CASE

Plaintiffs,

v.

Case Number: 19-cv-03071-JRT-ECW

Illinois Farmers Insurance Company, Farmers
Insurance Exchange, Farmers Group, Inc.,
Truck Insurance Exchange, Farmers Insurance
Company, Inc., Mid-Century Insurance
Company

Defendants.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Defendants' Motion to Exclude Expert Testimony of Akshay Rao [Docket No. 552] is **DENIED**;
2. Defendants' Motion to Exclude Expert Testimony of Michael J. Rothman [Docket No. 554] is **DENIED**;
3. Defendants' Motion to Exclude Expert Testimony of Allan I. Schwartz [Docket No. 555] is **DENIED**;
4. Plaintiffs' Motion to Exclude Expert Testimony of Nancy Watkins [Docket No. 558] is **DENIED**, but plaintiffs' request to strike the two challenged errata sheet changes

[Docket No. 564-11] by Watkins is **GRANTED**;

5. Plaintiffs' Motion to Exclude Expert Testimony of Bruce Strombom [Docket No. 573] is **DENIED**;

6. The Damages Class's Re-Filed Motion for Partial Summary Judgment and the Injunctive Class's Re-Filed Motion for Summary Judgment [Docket No. 546] is **GRANTED in part and DENIED in part** as follows:

- a. The Court finds that billing limitation agreements entered into by Farmers violate Minnesota's No-Fault Automobile Insurance Act;
- b. The Court finds that the Damages Class's MCFA claim is actionable, but issues of fact remain as to causal nexus and damages;
- c. Defendants are enjoined from enforcing or entering into billing limitation agreements as alleged in this action.

7. Defendants' Motion for Summary Judgment [Docket No. 557] is **GRANTED in part and DENIED in part** as follows: a. Summary judgment is granted as to Defendant FICI and FICI is **DISMISSED** from this case;

- b. Summary judgment is **GRANTED** to Defendants on Plaintiffs' breach of contract claim;
- c. Summary judgment is **DENIED** as to all other Defendants on the MCFA and MDTPA claims.

8. The case will be placed on the Court's next trial calendar.

Date: 9/14/2023

KATE M. FOGARTY, CLERK
